

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

MARK NORDLICHT,
DAVID LEVY,
URI LANDESMAN,
JOSEPH SANFILIPPO,
JOSEPH MANN,
DANIEL SMALL and
JEFFREY SHULSE,

Defendants.

DECLARATION

16 CR 640 (DLI)

ALICYN L. COOLEY hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney (“AUSA”) in the United States Attorney’s Office for the Eastern District of New York (“USAO”). My duties are to investigate and, where warranted, prosecute persons for violations of the criminal laws of the United States.

2. As part of my official duties, beginning in or about February 2016 and continuing through the present, I have been assigned as one of the principal AUSAs responsible for the investigation of, inter alia, the defendants Mark Nordlicht, David Levy, Uri Landesman, Joseph SanFilippo, Joseph Mann, Daniel Small and Jeffrey Shulse, and the prosecution of those defendants in the above-captioned case.



3. The USAO has been assisted in its investigation by special agents of the Federal Bureau of Investigation (“FBI”) and inspectors with the U.S. Postal Inspection Service (“USPIS”). The Internal Revenue Service – Criminal Investigation also has assisted the USAO in a limited portion of its investigation beginning in or about August 2016, although did not

participate in grand jury matters leading up to the return of the above-captioned indictment on December 14, 2016.

4. The government's investigation in this case began in or about late February 2016. For various lengths of time since the investigation's inception, former AUSA Winston Paes, AUSAs Lauren Elbert, Sarah Evans and I were assigned to and participated in the investigation. Since the investigation's inception, Inspector Amber Jordan of USPIS also was assigned to and participated in the investigation, and Supervisory Inspector Andrew Trilling of USPIS participated in the investigation as her direct supervisor. In addition, for various lengths of time since the investigation's inception, Special Agents Craig Minsky and Julie Amato of the FBI were assigned to and participated in the investigation, and Supervisory Special Agent Tracie Razzagone of the FBI participated in the investigation as their direct supervisor. During the pendency of at least some of the investigation, FBI Special Agent David Chaves held the position of Coordinating Supervisory Special Agent for certain FBI squads including the squad assigned to this case. A separate letter relating to Agent Chaves was submitted today by the government to the Court ex parte and in camera in the above-referenced case.

5. During the course of its investigation, the government has obtained information and evidence from a variety of sources, including but not limited to: (1) witnesses who provided information to the government in voluntary interviews, including whistleblowers and other individuals; (2) materials provided to the government voluntarily by individuals and entities, including, prior to the December 14, 2016 return of the indictment, materials from whistleblowers and approximately eight other individuals and approximately five entities; (3) the Securities and Exchange Commission ("SEC"), which conducted a parallel regulatory investigation of Platinum Partners ("Platinum") commencing before February 2016 that began

with an examination of Platinum, after which SEC examiners referred the matter to SEC enforcement staff for further investigation, and culminated with the filing of the civil action captioned SEC v. Platinum Management (NY) LLC, et al., No. 16-CV-6848 (DLI); (4) materials seized during the June 22, 2016 search of the offices of Platinum pursuant to a search warrant (“Platinum Search”), which, law enforcement agents advised me, began in the morning of June 22, 2016 and resulted in service of a copy of the search warrant and its attachments on counsel for Platinum that same day; (5) publicly available information; and (6)



6.



7.



8.



9. [REDACTED]

10. [REDACTED]

11. I have not disclosed to any member of the press any information obtained as a result of the grand jury investigation in this case.

12. I separately spoke to AUSAs Lauren Elbert and Sarah Evans, and former AUSA Winston Paes. They each affirmed that they have not disclosed to any member of the press any information obtained as a result of the grand jury investigation in this case.

13. I separately spoke to Supervisory Special Agent Razzagone and Special Agents Minsky and Amato of the FBI, and Supervisory Inspector Trilling and Inspector Jordan of USPIS. Each of them affirmed that they have not disclosed to any member of the press any information obtained as a result of the grand jury investigation in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Dated: Brooklyn, New York
April 26, 2017

A black rectangular box redacting the signature of Alicyn L. Cooley.

ALICYN L. COOLEY